

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

UNITED STATES OF AMERICA

v.

SUSAN L. HERTZBERG (1)


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Case No. 6:22-cr-3-JDK

**ORDER ON DEFENDANT SUSAN L. HERTZBERG'S  
SENTENCING HEARING**

A sentencing hearing for Defendant Susan L. Hertzberg is set for November 15, 2024, at 9:30 a.m. The Court requests that the parties be prepared to address the arguments made in their previous filings (Docket Nos. 1194, 1209, 1224), including when Defendant Hertzberg joined the conspiracy; the foreseeability of payments to physicians associated with Ascend, BenefitPro, and Next Level for tests performed by companies other than Boston Heart; and whether payments made after Hertzberg left Boston Heart were foreseeable to Hertzberg. The parties may provide evidence, including witness testimony and exhibits, to support their arguments on these issues if appropriate. The Court **ORDERS** the parties to file any witness and exhibit lists by **November 8, 2024**.

So **ORDERED** and **SIGNED** this 31st day of **October, 2024**.

  
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JEREMY D. KERNODLE  
UNITED STATES DISTRICT JUDGE